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OFFICE OF PETITIONS

In re Application of
Schumann, et al.
Application No. 09/880,856
Filed: June 15, 2001
Attorney Docket No. 1999-23US

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment filed June 19, 2006.

The petition is **DISMISSED**. The application is also **ABANDONED**.

Petitioner is allowed a period for response of two-months from the mailing date of this decision. The response should be titled "Renewed Petition to Withdraw the Holding of Abandonment" Extensions of the time set for reply are available pursuant to 37 CFR 1.136.

The above-identified application became abandoned for failure to reply to Notice of Allowance and Issue Fee Due mailed November 30, 2005, which set a statutory period for reply of three months from its mailing date. A response was not received within the allowable period and the application became abandoned March 1, 2005. Office records indicate that the Notice of Allowance and Issue Fee Due was returned as undeliverable on December 12, 2005. The instant petition requests that the holding of abandonment be withdrawn because the Notice of Allowance and Issue Fee Due was not received.

The petition states that a change of correspondence address was filed in the fall of 2005; the petition was not accompanied by any proof that the change of correspondence address was filed in the fall of 2005, i.e., an Office date-stamped postcard or copy of the change of correspondence address with a certificate of mailing, and the change of correspondence purportedly filed in the fall of 2005 was not found in the application file. Without such evidence, it is presumed that the Notice of Allowance and Issue Fee Due was mailed to the most current address of record for petitioner and that petitioner failed to promptly notify the Office of the change of correspondence address. Petitioner must establish that a proper request to change the correspondence address was filed prior to the mailing of the Notice of Allowance and Issue Fee Due on November 30, 2005.

The Corrected Notice of Allowance and Issue Fee Due mailed August 22, 2006, is noted. Petitioner is advised that this notice has no bearing on the undersigned's determination that the application is in an abandoned status. Petitioner is further advised that an outstanding petition does not normally toll the time period for responding to an outstanding Office action. Accordingly, petitioner should provide a timely response to the Corrected Notice of Allowance and Issue Fee Due while also resolving the issue presented by the instant petition.

Further correspondence with respect to this matter should be addressed as follows:

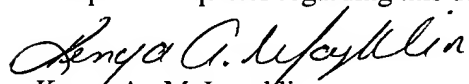
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By mail: Commissioner for Patents
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By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions